

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JOHN NAYLOR,)	
)	
Plaintiff,)	
)	
v.)	No. 1:23-cv-01345-JPH-KMB
)	
DENNIS REAGLE,)	
)	
Defendant.)	

ORDER TO SHOW CAUSE—PETITIONER

John Naylor filed a petition for a writ of habeas corpus challenging an August 2022 disciplinary proceeding from Pendleton Correctional Facility. Dkt. 1. He explains that the following sanctions were imposed as a result of the proceeding: "idle no pay for 6 months, six months of time on the idle black of H-cellhouse instead of A/S etc. time." *Id.* at 1.

I. Discussion

A court may grant a writ of habeas corpus under 28 U.S.C. § 2254 "only on the ground that [the petitioner] is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a) (emphasis added). A prison discipline proceeding affects an inmate's "custody" if it resulted in a deprivation of good-time credits, *Cochran v. Buss*, 381 F.3d 637, 639 (7th Cir. 2004) (per curiam), or a demotion in credit-earning class, *Montgomery v. Anderson*, 262 F.3d 641, 644–45 (7th Cir. 2001). Mr. Naylor's petition indicates that his disciplinary proceeding has not affected his custody for purposes of § 2254. Accordingly, Mr. Naylor's petition, dkt. 1, is **dismissed** for a lack of

jurisdiction. The Court will not yet dismiss the entire action. Mr. Naylor shall have **through September 1, 2023**, to show cause why this entire action should not be dismissed for a lack of jurisdiction.


II. Conclusion

"If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner." Rules Governing Section 2254 Cases in the United States District Courts, Rule 4. Mr. Naylor shall have through **September 1, 2023**, to show cause why this action should not be dismissed pursuant to Rule 4 for lack of jurisdiction. **Failure to respond in the time allotted will result in the dismissal of this action and denial of his pending motion for appointment of counsel, dkt. 2, without further warning or opportunity to show cause.**

Additionally, on or before **September 1, 2023**, Mr. Naylor must either pay the \$5.00 filing fee for this case or show that he is unable to do so.

SO ORDERED.

Date: 8/10/2023


James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

JOHN NAYLOR
128761
PENDLETON - CF
PENDLETON CORRECTIONAL FACILITY
Inmate Mail/Parcels
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PENDLETON, IN 46064